

**TROY GERMAN,
PLAINTIFF, V. BRIAN
ORR, DEFENDANT
WDOK 19-CV-751-F
MOTION EXHIBITS FOR
DEFENDANT ORR'S
MOTION FOR SUMMARY
JUDGMENT**

**EXHIBIT 19 – FAIRRES
SEARCH WARRANT**

FILED

DEC 20 2018

IN THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

CINDY KIRBY, COUNTY CLERK
LINCOLN COUNTY, OKLAHOMA

THE STATE OF OKLAHOMA)
)
COUNTY OF LINCOLN)

SW NO. 18-111

AFFIDAVIT FOR SEARCH WARRANT

Lieutenant Johnny Fairres, Affiant, being first duly sworn, on oath, deposes and states as follows:

I am a State Trooper with the Oklahoma Highway Patrol, and have the authority pursuant to 47 O.S. § 2-117 to conduct criminal investigations.

I have complied with the provisions of 70 O.S. § 3311 and am entitled to such professional standings as a full time, certified law enforcement officer in the State of Oklahoma.

I am a graduate of the 48th Oklahoma Highway Patrol Academy, took my oath of office, and was sworn in by the Chief Justice of the Oklahoma Supreme Court.

I have received numerous hours of continuing education in the field of law enforcement and criminal investigation.

I am a member of the Oklahoma Highway Patrol and supervisor assigned to Troop Z-Investigations.

1. That the following are evidence in a criminal offense:

Any digital media storage device and the information stored within any digital media storage device; any computer and/or computer equipment, including printers, and the digital content stored within any computer equipment; any computer generated word processing document that contains language related to the Oklahoma Highway Patrol promotional process, appointment to the Director of the Oklahoma Department of Emergency Management, Billy D. "Rusty" Rhoades, Michael S. Harrell, Brian Orr, or any other language related to this investigation.; and any driver license, identification card, or other items which show dominion and control.

2. That the above mentioned property is located at the following location:

Affiant has probable cause to believe the following residence described herein: a one story, brick with light colored wood trim house, facing the west, garage door facing the north,

and having an address of 9044 Melody Ln, Chandler, Lincoln County, Oklahoma 74834, and GPS coordinates of 35.703960, -96.836213, has evidence of a crime contained inside this structure, to include all vehicles located in the garage or on its curtilage, and one grayish colored detached storage building located on its curtilage.

3. That the Affiant has probable cause to believe and does believe that the above-mentioned property, to be searched for and seized, is now located upon the above specified locations based upon the following facts:

1. Your Affiant knows that Troop Z is currently conducting a criminal investigation involving the blackmail of an employed member of the Oklahoma Department of Public Safety (DPS) by another employed member of DPS.
2. Troop Z and your Affiant have authority to investigate based upon 47 O.S. § 2-117.A and 47 O.S. § 2-117.B.21.
3. Troy D. German, a white/male, whose date of birth is March 9, 1971, is a member of the Oklahoma Highway Patrol (OHP) Division of DPS, currently holds the rank of Captain and is the Troop Commander at Troop D-McAlester.
4. Billy D. "Rusty" Rhoades is a member of DPS and currently serves as the Commissioner and is the State's Cabinet Secretary of Safety and Security.
5. Your Affiant learned the following from Captain Jason Holt, who is conducting this investigation as the case agent. Holt learned from Rusty Rhoades that on three occasions Troy German initiated contact with him for three in-person meetings. The first meeting occurred at DPS and the last two off campus. The two off-campus meetings occurred on September 11, 2018 at the Charleston's Restaurant located at 5608 Memorial Road, Oklahoma City, Oklahoma, and the other meeting occurred on September 28, 2018 at the Starbucks located at 7305 SE 29th Street, Midwest City, Oklahoma.
6. During those meetings German threatened to expose information concerning Rhoades, Chief of Patrol Michael Harrell, and Captain Brian Orr, which whether true or false, could subject Rhoades and Harrell to ridicule or tend to degrade or disgrace them. German told Rhoades he had "subpoenable" information of improprieties regarding OHP's promotional process that involved Rhoades, Oklahoma Highway Patrol Chief Michael Harrell, and Oklahoma Highway Patrol Captain Brian Orr.
7. Your Affiant further learned from Rusty Rhoades that Troy German communicated information at these in-person meetings to Rhoades, both verbally and through a computer generated word processing document, which attempted to compel Rhoades to use his authority as Commissioner and the Cabinet Secretary to assist German by pledging his support for a political appointment at the state level or assuring a promotion to the command staff rank of Major within the Oklahoma

Highway Patrol. The computer generated document was shown to Rhoades during the last meeting and contained information related to securing the promotion to Major. The document was handed back to German before the meeting ended.

8. Your Affiant knows through field experience that computers and printers are used to type, store, and print word processing documents and digital storage devices are used to back-up and/or transport such files. Your Affiant also knows through experience that digital storage devices, computers, and/or printers are often kept at personal residences of individuals.
9. Your Affiant knows through field experience that forensic downloads of computers and digital storage devices can recover files, including word processing documents, whether still saved on such device or deleted. Your Affiant also knows that paper and ink stored within computer printers can be compared to known samples.
10. Through this investigation, your Affiant has learned that Troy German did pass a computer generated, word processing document to Rusty Rhoades. This note was read and subsequently left with German during the meeting at the Starbucks. Finding this document or a copy of this document will prove beneficial to this investigation, as it contained demands made by German.
11. Your Affiant has learned from Captain Jason Holt that Troy German has two listed residences. One has an address of 9044 Melody Ln, Chandler, Lincoln County, Oklahoma 74834 and is assigned to his Oklahoma issued driver license. During this investigation, a drive by of this residence was completed and a black, Chevrolet Tahoe with tag that contained German's OHP badge number OHP 041 was in the driveway. This vehicle is German's assigned Oklahoma Highway Patrol vehicle. Cellular phone records obtained during this investigation also showed this address as German's billing address. Lincoln County Assessor's records have also been checked and this residence is currently owned by German.
12. During this investigation, your Affiant learned Administrative Assistant Kim Evans, Troop D, has observed a noticeable reduction in items that were normally located in German's office at Troop D headquarters during approximately the thirty (30) days preceding the date of this affidavit. Evans had the opportunity to make this observation due to the daily duties associated with her role as troop secretary, which cause her to enter the offices of troopers on a regular basis throughout each work day. The Troop D office located in McAlester is German's only assigned Oklahoma Highway Patrol office. Your Affiant believes whatever items recently removed from this office are stored at a site personal to German, including but not limited to his residence, outbuildings, or vehicles. Your Affiant knows through experience that troop commanders keep both personal and work related items, including computer generated word processing documents and digital media storage devices, in an assigned office.

13. Your Affiant believes any driver license, identification card, or other items which show dominion and control would be beneficial in verifying that German does reside at the residence and may be using computers, printers, and/or digital storage devices, and/or storing notes and/or other papers while there.
14. Your Affiant believes this address is German's primary residence where he and his wife reside and he has or does spend time at the residence and any digital media storage device and the information stored within any digital media storage device; any computer and/or computer equipment, including printers, and the digital content stored within any computer equipment; any computer generated word processing document that contains language related to the Oklahoma Highway Patrol promotional process, appointment to the Director of the Oklahoma Department of Emergency Management, Billy D. "Rusty" Rhoades, Michael S. Harrell, Brian Orr, or any other language related to this investigation; and any driver license, identification card, or other items which show dominion and control, located at this address could be beneficial in the criminal investigation of this case, including the corroboration of witness statements, to provide direct evidence of the extortion of Rhoades, and/or crime of blackmail.

4. That this court should issue a search warrant which may be served during the day time service hours commanding that any duly authorized peace officers:

Shall attach or affix a copy of this warrant to the residence located at 9044 Melody Ln, Chandler, Lincoln County, Oklahoma 74834, and search, collect, document, and seize any digital media storage device and the information stored within any digital media storage device; any computer and/or computer equipment, including printers, and the digital content stored within any computer equipment; any computer generated word processing document that contains language related to the Oklahoma Highway Patrol promotional process, appointment to the Director of the Oklahoma Department of Emergency Management, Billy D. "Rusty" Rhoades, Michael S. Harrell, Brian Orr, or any other language related to this investigation.; and any driver license, identification card, or other items which show dominion and control.


AFFIANT

Sworn to before me, and subscribed in my presence, this 17 day of

December 2018 at 9:04, A. m.


JUDGE OF THE DISTRICT COURT

FILED

DEC 20 2018

CINDY KIRBY, COURT CLERK
LINCOLN COUNTY, OKLAHOMA

IN THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA)
COUNTY OF LINCOLN)

SW NO. 18-111

WARRANT

In the name of the State of Oklahoma:

To the Sheriff, State Trooper, or to any other peace officer in said county;

The attached affidavit having been sworn to by the Affiant, Lieutenant Johnny Fairres, before me this day, based upon the facts stated therein, probable cause having been found, in the name of the State of Oklahoma. I command you to search the place listed below by attaching or affixing a copy of this warrant to the residence at:

LOCATION: 9044 Melody Ln, Chandler, Lincoln County, Oklahoma 74834

DESCRIPTION: A one story, brick with light colored wood trim house, facing the west, garage door facing the north, and having an address of 9044 Melody Ln, Chandler, Lincoln County, Oklahoma 74834, and GPS coordinates of 35.703960, -96.836213, to include all vehicles located in the garage or on its curtilage, and one grayish colored detached storage building located on its curtilage.

TO WIT: Seize any digital media storage device and the information stored within any digital media storage device; any computer and/or computer equipment, including printers, and the digital content stored within any computer equipment; any computer generated word processing document that contains language related to the Oklahoma Highway Patrol promotional process, appointment to the Director of the Oklahoma Department of Emergency Management, Billy D. "Rusty" Rhoades, Michael S. Harrell, Brian Orr, or any other language related to this investigation.; and any driver license, identification card, or other items which show dominion and control.

Sworn to before me, and subscribed in my presence, this 17 day of

December 2018 at 9:05, A.m.


JUDGE OF THE DISTRICT COURT

FILED

DEC 20 2018

CINDY KIRBY, COURT CLERK
LINCOLN COUNTY, OKLAHO

IN THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA)
COUNTY OF LINCOLN)

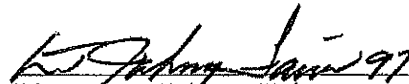
SW NO. 18-111

SEARCH WARRANT RETURN

I, Lieutenant Johnny Fairres, the trooper who executed the within search warrant located at 9044 Melody Ln, Chandler, Lincoln County, Oklahoma 74834, on December 17, 2018, swear that the following is an actual inventory of all items seized during the execution:

1. 1 Thumb drive, possibly containing data, data to be processed at a later date.
2. 1 Panasonic Toughbook laptop computer DPS DIT #114760, possibly containing data, data to be processed at a later date.
3. 1 silver IPAD tablet serial number DMPTC7REHLJJ, possibly containing data, data to be processed at a later date.
4. 1 Hewlett Packard Office Jet Pro 8600 printer S/N CN2BGCXH1G.
5. 1 Three page document title "Lies and Deception of Commissioner Kevin Ward".
6. 1 Thumb drive, possibly containing data, data to be processed at a later date.
7. 1 Oklahoma driver license belonging to Troy German.
8. 3 Thumb drives possibly containing data, data to be processed at a later date.
9. 2 Maxell DVD RW labeled "Porter", possibly containing data, data to be processed at a later date.
10. 1 Sony DVD-R labeled "50th Academy", possibly containing data, data to be processed at a later date.
11. 1 Office Depot DVD+RW labeled "German", possibly containing data.
12. 1 DVD labeled "WTC", possibly containing data, data to be processed at a later date.
13. 1 Memorex CD-R labeled "The Brothers CD", possibly containing data, data to be processed at a later date.
14. 1 Thumb drive possibly containing data, data to be processed at a later date.
15. 1 San Disk Ultra PLUS 64 GB memory card possibly containing data, data to be processed at a later date.
16. 1 Resume for the position of Director of Emergency Management.
17. 4 MAXELL DVD+RW discs possibly containing data, data to be processed at a later date.
18. 4 Thumb drives possibly containing data, data to be processed at a later date.
19. 1 PNY 4G thumb drive possibly containing data, data to be processed at a later date.
20. 1 PNY thumb drive possibly containing data, data to be processed at a later date.
21. 1 Thumb drive possibly containing data, data to be processed at a later date.

- 22. 1 Hewlett Packard Office Jet Pro 8600 printer.
- 23. 1 MAXELL DVD-R disc possibly containing data, data to be processed at a later date.
- 24. 2 Thumb drives labeled "NHTSA", possibly containing data, data to be processed at a later date.



Lieutenant Johnny Fairres

Sworn to before me, and subscribed in my presence, this 20 day of

December 2018 at 12:15 p. m.


JUDGE OF THE DISTRICT COURT

I, Cindy Kirby, Court Clerk of Lincoln County Oklahoma hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record and on file in my office of Lincoln County, Okla. this 20 day of December 2018.

CINDY KIRBY COURT CLERK
By  Deputy